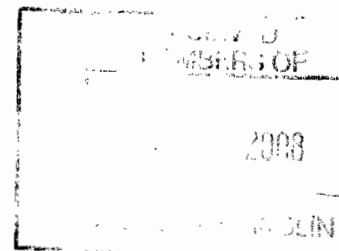


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X

ELSEVIER, INC.,

Plaintiff,

v.

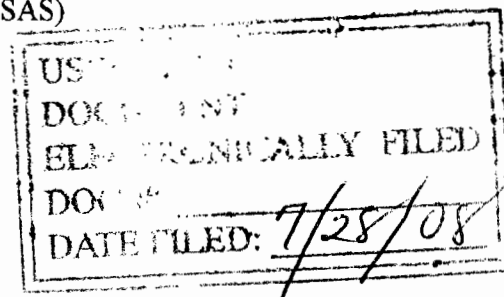
DOES 1-10,

Defendants.

----- X

ORDER

1:08 cv. 04549 (SAS)



WHEREAS, on May 16, 2008, Elsevier filed a Complaint alleging that the Doe defendants were engaged in piracy of numerous Elsevier copyrighted works and requested permission to serve Internet Service Providers Google, Inc. ("Google") and Our Internet, Inc. ("Our Internet") with third-party subpoenas *duces tecum* (the "Subpoenas") in order to ascertain the true identity of the Doe defendants; and

WHEREAS, on May 19, 2008, the Court granted Elsevier's application to serve the Subpoenas; and

WHEREAS, the Subpoenas are returnable on August 4, 2008; and

WHEREAS, to date Google has provided some of the documents requested by the Subpoenas and Our Internet has provided none of the documents requested by the Subpoenas; and

WHEREAS, on July 16, 2008, the Court issued an Order (the "Order") for a Conference in accordance with Fed. R. Civ. P. 16(b) to be held on July 29, 2008; and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information; and


WHEREAS, Elsevier has not yet been able to identify any named defendants or to prepare a scheduling order in light of Google's partial production and the lack of any production from Our Internet in response to the Subpoenas; and

WHEREAS, Elsevier has requested a 45 day adjournment in order to obtain, review and analyze documents responsive to the Subpoenas;

NOW, THEREFORE, Elsevier's request for a 45 day adjournment is granted.

SO ORDERED:

Conference rescheduled to September 19 at 4³⁰ p.m. No further adjournments


SHIRA A. SCHEINDLIN
U.S.D.J.

7/28/08